

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In Re:

	:	Case No: 08-15319-RGM
Cathy Alphena Harris,	:	Chapter 13
	:	
Debtors.	:	

Cathy Alphena Harris,	:	Adv. Proc: 13-01150
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
E*Trade Bank, FSB	:	
and	:	
CLO Consumer Services Co.,	:	
and	:	
Thomas P. Gorman, as Trustee,	:	
	:	
Defendants.	:	

DEFAULT JUDGMENT ORDER

Upon consideration of the Plaintiff's Motion for Entry of Default Judgment, the failure of the Defendant to file any response to the Complaint or Motion; the Court finding that the amount of the lien of the properly perfected first trust exceeded the current value of the real property at issue at the time of filing so that there is no equity whatsoever for the second trust to attach and therefore the second trust is wholly unsecured, it is hereby

ORDERED that the Plaintiff's Motion for a Default Judgment is granted, and it is further

1. ORDERED that E*Trade Bank, FSB and CLO Consumer Services Co. does not hold a secured claim, and, unless the Chapter 13 Case No: 08-15319, by Cathy Alphena Harris is hereafter dismissed or converted, the lien of the certain deed of trust from Cathy Alphena Harris to E*Trade Bank, FSB and CLO Consumer Services Co. shall be and hereby is declared void as it affects the real estate located at 47 Fendall Avenue, Alexandria, VA 22304 (hereinafter "the Property"), and more particularly described as follows:

All that parcel of land in City of Alexandria, Alexandria City County, Commonwealth of Virginia, as more fully described in Deed Book 1624, Page 1594, Tax Id # 50329930 Map 060.01-07-23, being known and designated as Lot 10, Cameron Knoll, filed in Plat Book 1037, Page 1, recorded 10/30/1981.

It is further

ORDERED that this shall be effective only upon successful completion and discharge of the subject Chapter 13 bankruptcy case; that E*Trade Bank, FSB and CLO Consumer Services Co. shall release their recorded deed of trust against Cathy Alphena Harris real property located at 47 Fendall Avenue, Alexandria, VA 22304 within 30 days of the Debtor's Notice of Completion of Chapter 13 Plan and/or Discharge of Debtor; that E*Trade Bank, FSB and CLO Consumer Services Co. filed proof of claim, if applicable, is to be treated as an unsecured debt that may receive a dividend as an unsecured creditor under the Chapter 13 Plan; that E*Trade Bank, FSB and CLO Consumer Services Co. will retain its lien on any surplus proceeds from a potential foreclosure sale by the senior lien holder prior to the Debtors' completion of their Chapter 13 Plan and entry of their Chapter 13 discharge; that each party will bear their own attorney's fees and costs in the adversary proceeding.

Date: Dec 4 2013

/s/ Robert G. Mayer

Robert G. Mayer
U.S. Bankruptcy Judge

I ASK FOR THIS:

Entered on Docket: December 4, 2013

/s/ Alisa Lachow-Thurston

Alisa Lachow-Thurston VSB: 65650
Abogados Law, PLC
4000 Genesee Place, Suite 113
Woodbridge, VA 22192
703.864.6171; 703.991.7100 (fax)

Copies to:

Thomas P. Gorman
300 N. Washington Street
Alexandria, VA 22134
Chapter 13 Trustee

E*TRADE Bank / c/o ETRADE Financial Corporation
Attn. Matthew J Audette/ CEO /Harborside Financial Center
501 Plaza 2 / 34 Exchange Place
Jersey City, NJ 07311

Office of the U.S. Trustee
115 S. Union Street, Suite 210

Alexandria, VA 22314